



General Assembly

Substitute Bill No. 5668

January Session, 2001

AN ACT CONCERNING NURSING HOME STAFFING LEVELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-521a of the general statutes is repealed and
2 the following is substituted in lieu thereof:

3 (a) [On and after July 1, 1992, the] The Department of Public Health
4 shall, whenever possible, conduct dual inspections of chronic and
5 convalescent nursing homes or rest homes with nursing supervision
6 when an inspection of any such [a] facility is necessary for the purpose
7 of the facility's maintaining state licensure and certification for
8 participation in the Title XIX Medicaid program or the Title XVIII
9 Medicare program, provided such dual inspections shall be conducted
10 in not less than [fifty per cent of such facilities. On and after January 1,
11 1993, the department shall conduct such dual inspections in not less
12 than] seventy per cent of such facilities.

13 (b) Prior to any inspection of a chronic and convalescent nursing
14 home or a rest home with nursing supervision conducted under
15 subsection (a) of this section, the department shall calculate the annual
16 number of working hours for all registered nurses, licensed practical
17 nurses and nurse's aides staffing such facility and the total resident
18 days for such facility based on the most recent report to the
19 Commissioner of Social Services pursuant to section 17b-340. The
20 department shall use such information to calculate an average daily

21 staff-to-resident ratio for such facility. The department shall compare
22 such ratio to the actual nursing staff levels of such facility during such
23 inspection.

24 (c) At the time of any inspection of a chronic and convalescent
25 nursing home or a rest home with nursing supervision conducted
26 under subsection (a) of this section, the department shall assess
27 residents' care needs to ensure that sufficient numbers and levels of
28 licensed nurses and nurse's aides are provided by such facility to meet
29 required resident care needs. Such assessment shall be based on the
30 1995 and 1997 Staff Time Measurement (STM) Studies, published by
31 the federal Health Care Financing Administration, that determine the
32 nursing minutes needed to care for each resident as ranked in the
33 Resource Utilization Group-III, resident classification system, provided
34 the department shall update the basis of such assessment upon the
35 publication of any subsequent version of the federal Staff Time
36 Measurement (STM) Studies or any subsequent reclassification of such
37 resource utilization group. In making such assessment of residents'
38 care needs, the department shall use the data results of the last full
39 resident assessment of such facility as required by the federal Health
40 Care Financing Administration Minimum Data Set. The department
41 shall compare the total number of care hours required by the category
42 scores for such resource utilization group to the amount of care
43 actually provided by licensed nurses and nurse's aides at such facility.
44 If such total number of care hours actually provided is less than such
45 number of care hours required by the Resource Utilization Group-III,
46 the department shall review the methodology used by such facility to
47 determine the number, experience and qualifications of nursing
48 personnel necessary to meet residents' care needs.

49 Sec. 2. Section 19a-522 of the general statutes is repealed and the
50 following is substituted in lieu thereof:

51 [(a) On or before December 1, 1975, the commissioner shall, in
52 accordance with chapter 54, adopt regulations]

53 (a) The commissioner shall adopt regulations, in accordance with
54 chapter 54, concerning the health, safety and welfare of patients in
55 nursing home facilities, classification of violations relating to such
56 facilities, medical staff qualifications, record-keeping, nursing service,
57 dietary service, personnel qualifications and general operational
58 conditions.

59 (b) (1) As used in this subsection, "direct care" means care provided
60 to residents of a chronic and convalescent nursing home or a rest home
61 with nursing supervision, including, but not limited to, face-to-face
62 assessment, administration of medication or treatments, feeding,
63 bathing, toileting, dressing, lifting and moving such residents, but does
64 not include food preparation, housekeeping or laundry services,
65 except when such services are required to meet the needs of any such
66 resident on an individual or situational basis.

67 (2) The department shall not issue a license to or renew the license
68 of a chronic and convalescent nursing home or a rest home with
69 nursing supervision unless such facility employs sufficient nursing
70 personnel needed to provide continuous twenty-four-hour nursing
71 care and services to meet the needs of each resident in such facility.

72 (3) Not later than October 1, 2001, each licensed chronic and
73 convalescent nursing home and each licensed rest home with nursing
74 supervision shall maintain aggregate licensed nurse and nurse's aide
75 staffing levels at or above the following standards:

76 (A) Over a twenty-four-hour period, such facility shall provide not
77 less than 1.66 hours of direct care and services per resident given by
78 nurse's aides; and

79 (B) Over a twenty-four-hour period, such facility shall provide not
80 less than 0.7 hours of direct care and services per resident given by
81 licensed nurses.

82 (4) Not later than October 1, 2002, each licensed chronic and
83 convalescent nursing home and each licensed rest home with nursing

84 supervision shall maintain aggregate licensed nurse and nurse's aide
85 staffing levels at or above the following standards:

86 (A) Over a twenty-four-hour period, such facility shall provide not
87 less than 2.0 hours of direct care and services per resident given by
88 nurse's aides; and

89 (B) Over a twenty-four-hour period, such facility shall provide not
90 less than 0.75 hours of direct care and services per resident given by
91 licensed nurses.

92 (5) The director of nurses for any such facility with a licensed bed
93 capacity of sixty-one or greater shall not be included in meeting the
94 requirements for direct care and services given by licensed nurses
95 pursuant to subparagraph (B) of subdivision (3) of this subsection and
96 subparagraph (B) of subdivision (4) of this subsection. Any such
97 facility with a licensed bed capacity of one hundred twenty-one or
98 greater shall employ a full-time assistant director of nurses who shall
99 not be included in meeting the requirements for direct care and
100 services given by licensed nurses pursuant to subparagraph (B) of
101 subdivision (3) of this subsection and subparagraph (B) of subdivision
102 (4) of this subsection.

103 (6) Any licensed chronic and convalescent nursing home or licensed
104 rest home with nursing supervision that fails to comply with the
105 minimum staffing requirements of subdivisions (3) and (4) of this
106 subsection on any day shall submit a report to the department,
107 identifying the day on which and the shift during which such
108 noncompliance occurred and specifying the reasons for and
109 circumstances surrounding such noncompliance. The report required
110 by this subdivision shall be submitted on a quarterly basis. If such
111 facility fails to submit any report required by this subdivision or
112 intentionally misrepresents the information contained in any such
113 report, or if the commissioner determines that there is sufficient
114 evidence to support a finding that there exists a pattern of
115 noncompliance by such facility with the minimum staffing

116 requirements of subdivisions (3) and (4) of this subsection, the
117 commissioner shall take action against such facility in accordance with,
118 but not limited to, sections 19a-524 to 19a-528, inclusive.

119 ~~[(b)]~~ (c) Nursing home facilities may not charge the family or estate
120 of a deceased self-pay patient beyond the date on which such patient
121 dies. Nursing home facilities shall reimburse the estate of a deceased
122 self-pay patient within sixty days after the death of such patient, for
123 any advance payments made by or on behalf of the patient covering
124 any period beyond the date of death. Interest, in accordance with
125 subsection (a) of section 37-1, on such reimbursement shall begin to
126 accrue from the date of such patient's death.

PH *Joint Favorable Subst.*

APP *Joint Favorable*

HS *Joint Favorable*

LAB *Joint Favorable*